



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/019,342  
 Confirmation No.: 1812  
 Applicant: Richard S. Judson et al.  
 Filing Date: December 21, 2001  
 Title: Methods for Obtaining and Using Haplotype Data  
 Attorney Docket No.: 2458-4042US5

Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Arlington, VA 22313-1450

Certificate of Facsimile Transmission  
 I hereby certify under 37 C.F.R. § 1.8 that this correspondence  
 is being transmitted by facsimile to the United States Patent  
 and Trademark Office, Commissioner for Patents, TC 1600, at  
 (703)-746-4060 on August 4, 2004.  
Eileen McCaughern  
Eileen McCaughern

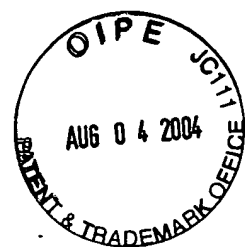
TRANSMITTAL

In response to the Notice to File Missing Parts of a Nonprovisional Application filed under 37 CFR 1.53(b) dated July 9, 2004, enclosed herewith please find:

1. Response to Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b) (2 pages)
2. Copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b)
3. Request for Correction of Inventorship Pursuant to 37 CFR 1.48 (1 page)
4. Declaration (2 pages), executed
5. Fee Transmittal Form (in duplicate)
6. Copy of Verified Certification of Express Mailing Date for submission of application December 21, 2001 (1 page)
7. Copy of page 2 of Form PTO-1449 submitted June 11, 2003 (1 page)

Date: August 4, 2004  
 Registration No. 47,934  
 203-773-1450  
 s.shaner@genaisance.com

By: Sandra L. Shaner  
 Sandra L. Shaner  
 Genaisance Pharmaceuticals, Inc.  
 Five Science Park  
 New Haven, CT 06511  
 USA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re: Nonprovisional Application of: Richard S. Judson et al.

Application No.: 10/019,342  
Confirmation No.: 1812  
Applicant: Richard S. Judson et al.  
Filing Date: December 21, 2001  
Title: Methods for Obtaining and Using Haplotype Data  
Attorney Docket No.: 2458-4042US5

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Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION FILED UNDER 37 CFR 1.53(b)

This paper is being sent in response to the Notice to File Missing Parts of Nonprovisional Application mailed July 9, 2004. The Notice indicates that the oath or declaration is missing along with the surcharge of \$130.00 for filing the oath or declaration on a date later than the filing date of the application. Additionally, the Notice indicates that there are several problems related to compact disc(s) allegedly submitted with the application and also that the application fails to comply with the requirements of 37 CFR 1.821-1.825.

Enclosed is a Declaration in compliance with 37 CFR 1.63 executed by named inventors Richard Judson, J. Claiborne Stephens and Andreas Windemuth. The accompanying Fee Transmittal (PTO/SB/17) authorizes payment of the surcharge fee for filing the Declaration on a date later than the filing date of the application from a deposit account number.

With respect to the problems related to the compact disc(s) allegedly submitted with the application, Applicants assert that the compact disc associated with this application was NOT submitted as part of the application. Attached is a copy of the Verified Certification of Express Mailing Date enumerating the papers submitted at the time of filing the application on December 21, 2001. No compact disc is enumerated among the documents submitted. A compact disc was submitted, improperly, as part of the Information Disclosure Statement filed June 11, 2003. The disc submitted as part of the Information Disclosure Statement contained in electronic form, in pdf format, two PCT publications. A copy of the page (Page 2 of 6) of the Form PTO 1449 referring to the "CD format" for publications WO 00/50639 A2 and A3 submitted June 11, 2003 is attached. Applicants will resubmit documents publications WO 00/50639 A2 and A3 in proper form as paper documents in a new Information Disclosure Statement.



With respect to the alleged failure of the application to comply with the requirements of 37 CFR 1.821-1.825, the Notice fails to point out where in the application the Patent Office believes there are sequences that clearly fail to comply with the requirements of 37 CFR 1.821-1.825. Applicants believe that no sequence listing is required for this application as no sequence is present in the application that is at least as long as the minimum sequence length (4 unbranched amino acids or 10 unbranched nucleotides) defined in 37 CFR §1.281(a) that triggers the need for a sequence listing. Consequently, Applicants assert that the application is in compliance with 37 CFR 1.821-1.825.

Applicants respectfully believe that this submission completes the requirements of 37 C.F.R. 1.53(f) and acceptance is respectfully requested. Should any questions arise, or if Applicants or Applicants' Agent can facilitate examination of this application, it is respectfully requested that the undersigned Agent be contacted so that any remaining issues can be resolved.

Date: August 4, 2004

Registration No. 47,934

203-773-1450

s.shaner@genaisance.com

By: Sandra L. Shaner

Sandra L. Shaner  
Genaisance Pharmaceuticals, Inc.  
Five Science Park  
New Haven, CT 06511  
USA



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 971 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/019,342	12/21/2001	Richard S. Judson	2458-4042US5

25106  
GENAISSANCE PHARMACEUTICALS  
5 SCIENCE PARK  
NEW HAVEN, CT 06511

CONFIRMATION NO. 1812

## FORMALITIES LETTER



\*OC000000013188277\*

Date Mailed: 07/09/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.
- This application contains compact disc(s) as part of the originally filed subject matter or as an amendment, however the information contained on the compact disc(s) is not one of the types of information that may be submitted on compact disc(s). (see 37 CFR 1.52(e)).
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file

in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$130 for a Large Entity

..... ◆ ~~\$130~~ Late oath or declaration Surcharge:.....

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

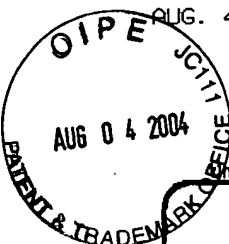
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*A copy of this notice **MUST** be returned with the reply.*

Y.G.  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Approved for use through 07/31/2008. OMB 0851-0032  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 260.00

## Complete if Known

Application Number 10/019,342  
Filing Date December 21, 2001  
First Named Inventor Richard S. Judson  
Examiner Name MariAnne Allen  
Art Unit 1631  
Attorney Docket No. 2458-4042US5

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit  
Account  
Number  
Deposit  
Account  
Name

50-1293

Genaissance Pharmaceuticals, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims  -20\*\* =  X  =   
Independent Claims  -3\*\* =  X  =   
Multiple Dependent  =

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 88	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater. For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	130.00
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 65	Non-English specification	
1812 2,520	2812 1,260	For filing a request for ex parte reexamination	
1804 920*	2804 460*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 920*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	2451 755	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1450 130	2450 65	Petitions to the Commissioner	
1807 50	2807 25	Processing fee under 37 CFR 1.17(q)	
1808 180	2808 90	Submission of Information Disclosure Stmt	
8021 40	28021 20	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	2802 450	Request for expedited examination of a design application	

Other fee (specify) Processing fee under Section 1.17(i)

130.00

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

260.00

## SUBMITTED BY

Name (Print/Type) SANDRA SHANER

Registration No. (Attorney/Agent)

47,934

(Complete if applicable)

Telephone

203-773-1450

Signature

Sandra L. Shaner

Date

July 29, 2004

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

DOCKET NO. 2458-4042US5

## IN THE UNITED STATES RECEIVING OFFICE (RO/US)

INTERNATIONAL APPLICATION NO PCT/US00/17540	INTERNATIONAL FILING DATE 26 June 2000 (26.06.00)	PRIORITY DATE CLAIMED 25 June 1999 (25.06.99)
TITLE OF INVENTION METHODS FOR OBTAINING AND USING HAPLOTYPE DATA		
APPLICANT R. Rex DENTON, Richard S. JUDSON, Gualberto RUANO, J. Claiborne STEPHENS, Andreas K. WINDEMUTH, and Chuanbo XU		

Commissioner of Patents  
BOX PCT  
Washington, D.C. 20231

ATTENTION: DO/EO/US

VERIFIED CERTIFICATION OF EXPRESS MAILING DATE  
(INTERNATIONAL APPLICATION (37 CFR 1.10(e)))

I declare that on December 21, 2001 I deposited with the United States Postal Service in an envelope "Express Mail, Post Office to Addressee", bearing Label Number EL853254176US, addressed to the "Commissioner of Patents, BOX PCT, Washington, D.C. 20231" and having an express mail certification which I executed, the following papers:

1. Transmittal Letter to United States Designated/Elected Office (DO/EO/US)
2. Preliminary Amendment
3. Copy of published PCT/US00/17540, International Publication Number WO 01/01218
4. Notification of Receipt of Demand (Form PCT/IPEA/402)
5. Published Search Report
6. Notification of Transmittal of International Search Report (PCT/ISA/220)
7. International Search Report (PCT/ISA/210)
8. Notification Concerning Submission of Priority Document (Form PCT/IB/304)
9. Notification of Receipt of Record Copy (PCT/IB/301)
10. Notice Informing the Applicant of the Communication of the Int'l. Application (PCT/IB/308)
11. Return Receipt Postcard

A copy of these papers from the file of the application is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

James P. Demers

(Typed or printed name of person making this verified statement)

Date: December 21, 2001  
(Signature of person making this verified statement)